



November 9, 2018

To: Craig Samek, Pretreatment Coordinator

[csamek@sioux-city.org](mailto:csamek@sioux-city.org)

Re: Notice of Violation(s), Permit #2016-31-I

Big Ox Energy (BOE) has been issued a Notice of Violation (NOV) for September 23, 2018; NOV received 10.4.2018, and a NOV for October 18, 2018; NOV received 10.26.2018 for discharge TSS values more than the maximum daily limit of 48,508 lbs. This limit was implemented June 29, 2018 via Compliance Order. The issued NOV's required a written response within 10 days of issue; it should be noted that BOE submitted sampling and flow data to the City the day of the reported violations documenting the samples that were analyzed by BOE internally did not demonstrate a permit violation occurred:

- 9.23.2018      Flow-0.591 mgd      TSS-9660 mg/L      Lbs.-47,601 lbs
  - City reported 52,381 lbs.
  - It was also noted in the submission to the City that the facility had experienced issues with the polymer skids and the fluctuations with the operation of the GEM.
  - \$1,000.00 fine issued.
- 10.18.2018      Flow-1.451 mgd      TSS-1748 mg/L      Lbs.-21,152 lbs
  - City reported 50,254 lbs.
  - BOE was in communication with the City throughout the day on 10.18.2018 that there were mechanical issues at the plant and that the GEM feed tank overflowed during this timeframe.
    - It was also noted in the submission to the City on 11.19.2018 that the facility had experienced overflow of the GEM feed tank due to equipment issues.
  - \$1,000.00 fine issued.
  - It should be noted that the DR 900 samples for BOE's monitoring process did not indicate that there was a high enough TSS discharging that would have caused an issue with meeting discharge compliance.
    - The required 4-hour samples for TSS also do not indicate that there should not have been a reason for the sample to be in violation; 500 mg/l, 51 mg/l, 39 mg/l and 63 mg/l.
  - The composite sample from 10.19.2018 based on BOE analysis was 3900 mg/l TSS. Based on the information we have, it seems possible that the sample from the 19<sup>th</sup> may have been analyzed for the 18<sup>th</sup>.

Based on City code 13.07.110 (1), fines are to be issued based on an escalating fine structure. BOE requests that the fine structure be followed, as listed in municipal code, and the imposed \$1,000.00 fines be amended to \$175.00 per incidence. Additionally, BOE requests that the sample data reported from the City's analysis and BOE's analysis from 10.18.2018 be averaged due to the sample discrepancy in the reported TSS data by both labs. This would be assumed to have been a sample analysis discrepancy and for this reason request that the sample results be averaged.

BOE continues to work on the operation of the wastewater treatment system to ensure the cleanest water possible is discharging and if there is an issue immediate notification to the City is made if a process issue arises. If you need anything else from us additionally, please let me know.

Respectfully,

Desiree McCaslen, Regulatory Compliance Director BOE

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